

REMARKS

As required in the Office Action, an abstract of the disclosure is being submitted herewith on a separate sheet.

As a result of the foregoing amendment, the subject matter of claim 2 has been included in claim 1. Claim 2 has been cancelled.

Reconsideration and withdrawal of the rejection of claims 1, 2, and 3 under 35 U.S.C. 102(b) as being anticipated by Otani et al. as interpreted by Gilham EP'575 or EP'576, are respectfully requested.

Applicant respectfully submits that the present invention as claimed is not anticipated or rendered obvious by the references cited by the Examiner.

Specifically, applicant submits that the present invention is patentable over the reference to Otani et al. which is directed to a subject which is remote from a franking machine, even when taken in combination with either of the Gilham references.

The reference to Otani et al. is directed to a printer for

printing rapidly supplied data and includes an input unit for the input of printing information for printing on a print medium; the printer further includes a printing unit for printing a certain image on the print medium based on the input printing information; an inspection unit for monitoring the printing condition of the printing unit by comparing the input image to the image read on the print medium. Otani et al. further describe an inspecting device with an image sensor unit for reading the image printed on the print medium; an input unit for the input of printing information which is printed on the print medium; and an inspecting unit for monitoring the state of the printing on the print medium by comparing the printed image on the print medium and the input printing information.

The reference to Gilham '575 is directed to a stamp dispenser with a dispensing apparatus and a franking tape which can be placed in the dispensing apparatus. The franking tape has a physical character which corresponds to a franking value; the dispensing apparatus includes conveying means for conveying the franking tape on and for dispensing a section of the franking tape which corresponds to a stamp. The reference further describes control means for controlling the conveying means for the dispensing of stamps having a selected value, wherein the physical character of the section of the franking tape dispensed as the stamp corresponds to the franking value of the stamp.

The reference to Gilham '576 discloses a mail stamp printing machine or a franking machine with electronic control means; means for storing data for information to be printed; means for the input of selectively variable postal values into the control means; printing means controlled by the control means for printing the selected postal values; conveying means for conveying pieces to be mailed following the printing means which print a stamp onto the item to be shipped; and means for controlling a constant speed of the items to be shipped.

As disclosed in column 1, line 66 to column 2, line 11 of the reference to Otani et al, the object is to provide a printer for printing on paper having the size A4 (see column 1, lines 25-28) with high reliability which makes it possible to carry out a precise evaluation of the printed matter and to eliminate incorrectly printed matter and to correct the matter, wherein this is done with a high printing quality and high speed. Clearly, Otani et al. merely disclose a printing device for reproducing printed information with a printer which, compared to the franking machine according to the present invention as claimed, does not have the functional prerequisites and the necessary structural means, which, in turn, means that the reference is clearly directed to a device of a type different from that of the present invention as claimed.

In addition, Gilham '575 is directed to a stamp dispenser to which a franking tape is supplied, wherein the stamps with different values are severed from the franking tape and are dispensed by the dispenser. This technology or this apparatus serves a different purpose than does the franking machine according to the present application because the reference produces printed sections or stamps and cannot properly be called a franking machine.

The reference to Gilham '576 discloses a franking machine with means for controlling the transportation and for printing on shipped pieces, however, the reference does not disclose or suggest the means according to the present invention for meeting the object of the present application. The single use of an encoder, as mentioned in Gilham '576, does not result in the configuration of a successful control as is the case in the present application. The reference does not provide certain prerequisites for meeting this object and additional structural steps are required as they are recorded in the wording of claim 1. In the present application, which is directed to a portion of the priority application which was divided out, in which the contiguous configuration of the original franking machine has been taken into consideration in order to arrive at a complete franking machine. Such an object is very demanding on those of average skill in the art. Clearly, the reference to Gilham '576

franking machine. Such an object is very demanding on those of average skill in the art. Clearly, the reference to Gilham '576 does not provide anything in this regard which could be used in this connection for comparison or for evaluating novelty and inventive step.

Clearly, it is not accurate to state that the claims have to be rejected because they are anticipated by Otani, et al. in combination with the two Gilham references.

Accordingly, it is respectfully submitted that claim 1 and the claims depending therefrom are patentable over the art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on September 27, 2005.

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